SENATE BILL NO. 2229
(As Sent to Governor)

AN ACT TO AMEND SECTION 37-9-77, MISSISSIPPI CODE OF 1972, TO
EXTEND THE AUTOMATIC REPEALER ON THE SCHOOL ADMINISTRATOR
SABBATICAL LEAVE PROGRAM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-9-77, Mississippi Code of 1972, is
amended as follows:

37-9-77. (1) There is established the Mississippi School
Administrator Sabbatical Program which shall be available to
licensed teachers employed in Mississippi school districts for not
less than three (3) years, for the purpose of allowing such
teachers to become local school district administrators under the
conditions set forth in this section. The State Board of
Education, in coordination with the Board of Trustees of State
Institutions of Higher Learning, shall develop guidelines for the
program. Application shall be made to the State Department of
Education for the Mississippi School Administrator Sabbatical
Program by qualified teachers meeting the criteria for a
department-approved administration program and who have been
recommended by the local school board. Administration programs
that are eligible for the administrator sabbatical program shall
be limited to those that have been approved by the department by
the January 1 preceding the date of admission to the program.
Admission into the program shall authorize the applicant to take
university course work and training leading to an administrator's
license.

(2) The salaries of the teachers approved for participation
in the administrator sabbatical program shall be paid by the
employing school district from nonminimum education program funds. However, the State Department of Education shall reimburse the employing school districts for the cost of the salaries and paid fringe benefits of teachers participating in the administrator sabbatical program for one (1) contract year. Reimbursement shall be made in accordance with the then current minimum education program salary schedule under Section 37-19-7, except that the maximum amount of the reimbursement from state funds shall not exceed the minimum education program salary for a teacher holding a Class A license and having five (5) years' experience. The local school district shall be responsible for that portion of a participating teacher's salary attributable to the local supplement and for any portion of the teacher's salary that exceeds the maximum amount allowed for reimbursement from state funds as provided in this subsection, and the school board may not reduce the local supplement payable to that teacher. Any reimbursements made by the State Department of Education to local school districts under this section shall be subject to available appropriations and may be made only to school districts determined by the State Board of Education as being in need of administrators.

(3) Such teachers participating in the program on a full-time basis shall continue to receive teaching experience and shall receive the salary prescribed in Section 37-19-7, including the annual experience increments. Such participants shall be fully eligible to continue participation in the Public Employees Retirement System and the Public School Employees Health Insurance Plan during the time they are in the program on a full-time basis.

(4) As a condition for participation in the School Administrator Sabbatical Program, such teachers shall agree to employment as administrators in the sponsoring school district for not less than five (5) years following completion of administrator licensure requirements. Any person failing to comply with this
employment commitment in any required school year, unless the
commitment is deferred as provided in subsection (5) of this
section, shall immediately be in breach of contract and become
liable to the State Department of Education for that amount of his
salary and paid fringe benefits paid by the state while the
teacher was on sabbatical, less twenty percent (20%) of the amount
of his salary and paid fringe benefits paid by the state for each
year that the person was employed as an administrator following
completion of the administrator licensure requirements. In
addition, the person shall become liable to the local school
district for any portion of his salary and paid fringe benefits
paid by the local school district while the teacher was on
sabbatical that is attributable to the local salary supplement or
is attributable to the amount that exceeds the maximum amount
allowed for reimbursement from state funds as provided in
subsection (2) of this section, less twenty percent (20%) of the
amount of his salary and paid fringe benefits paid by the school
district for each year that the person was employed as an
administrator following completion of the administrator licensure
requirements. Interest on the amount due shall accrue at the
current Stafford Loan rate at the time the breach occurs. If the
claim for repayment of such salary and fringe benefits is placed
in the hands of an attorney for collection after default, then the
obligor shall be liable for an additional amount equal to a
reasonable attorney's fee.

(5) If there is not an administrator position immediately
available in the sponsoring school district after a person has
completed the administrator licensure requirements, or if the
administrator position in the sponsoring school district in which
the person is employed is no longer needed before the completion
of the five-year employment commitment, the local school board
shall defer any part of the employment commitment that has not
been met until such time as an administrator position becomes
available in the sponsoring school district. If such a deferral
is made, the sponsoring school district shall employ the person as
a teacher in the school district during the period of deferral,
unless the person desires to be released from employment by the
sponsoring school district and the district agrees to release the
person from employment. If the sponsoring school district
releases a person from employment, that person may be employed as
an administrator in another school district in the state that is
in need of administrators as determined by the State Board of
Education, and that employment for the other school district shall
be applied to any remaining portion of the five-year employment
commitment required under this section. Nothing in this
subsection shall prevent a school district from not renewing the
person's contract before the end of the five-year employment
commitment in accordance with the School Employment Procedures Law
(Section 37-9-101 et seq.). However, if the person is not
employed as an administrator by another school district after
being released by the sponsoring school district, or after his
contract was not renewed by the sponsoring school district, he
shall be liable for repayment of the amount of his salary and
fringe benefits as provided in subsection (4) of this section.

(6) All funds received by the State Department of Education
from the repayment of salary and fringe benefits paid by the state
from program participants shall be deposited in the Mississippi
Critical Teacher Shortage Fund.

(7) This section shall stand repealed from and after July 1, 2003.

SECTION 2. This act shall take effect and be in force from